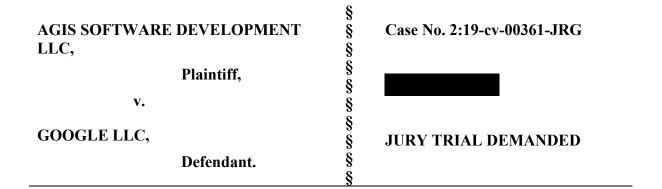
## IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS MARSHALL DIVISION



## <u>DECLARATION OF BILL TRAC IN SUPPORT OF DEFENDANTS GOOGLE LLC'S</u> RE-FILED RULE 12(B)(3) MOTION TO DISMISS FOR IMPROPER VENUE

- I, Bill Trac, hereby declare as follows:
- 1. I am an attorney at the law firm of O'Melveny & Myers LLP, counsel for Defendant Google LLC in the above-entitled consolidated action. I have personal knowledge of the facts stated herein and if called to testify could and would competently testify thereto.
- 2. Attached as **Exhibit A** is a true and correct copy of excerpts from the deposition transcript of Jonathan Brunsman, dated October 27, 2020.
- 3. Attached as **Exhibit B** is a true and correct copy of excerpts from the deposition transcript of James Maccoun, dated October 23, 2020.
- 4. Attached as **Exhibit C** is a true and correct copy of the deposition transcript of Prem Pandian in *Dynamic Data Technologies, LLC v. Google* LLC *et al.*, No. 2:18-cv-466-RWS dated May 10, 2019 bearing Bates numbers GOOG-AGIS-00027236 through GOOG-AGIS-00027512.

- 5. Attached as **Exhibit D** is a true and correct copy of a document titled "Google Inbound Service Agreement", dated August 15, 2017 bearing Bates numbers GOOG-AGIS-00027513 through GOOG-AGIS-000275451.
- 6. Attached as **Exhibit E** is a true and correct copy of "Statement of Work No. 463889 Third Party Refurbishment Services in the US" between Google LLC and Communications Test Design, Inc. dated May 15, 2018, bearing Bates numbers GOOG-AGIS- 00027176 through GOOG-AGIS-00027231.
- 7. Attached as **Exhibit F** is a true and correct copy of an article "How Fiber Optics Work," dated August 30, 2019.
- 8. Attached as **Exhibit G** is a true and correct copy of the deposition transcript of Lee Livingston in *Dynamic Data Technologies LLC v. Google LLC, et al.*, dated May 15, 2019.
- 9. Attached as **Exhibit H** is a true and correct copy of an Intercity and Metro IRU/Lease Agreement between Level 3 Communications, LLC and Google Inc. bearing Bates numbers GOOG-AGIS-00069790 to GOOG-AGIS-00069915.
- 10. Attached as **Exhibit I** is a true and correct copy of document produced by Google numbered GOOG-AGIS-00066723 GOOG-AGIS-00066727 and contains a summary of PEGA Repair and Maintenance, dated September 18, 2018.

I declare under penalty of perjury that the foregoing is true and correct. Executed in San Francisco, California on February 25, 2022.

_/s/ Bill Trac	
Bill Trac	